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Sub-Commission on the Promotion and
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Working Group on Indigenous Populations
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REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE:

PRINCIPAL THEME: INDIGENOUS CHILDREN AND YOUTH

Note by the secretariat

1. At its seventeenth session, the Working Group on Indigenous Populations decided to highlight the issue of "indigenous children and youth" at its eighteenth session. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1999/20 of 26 August 1999, endorsed the decision of the Working Group. In its resolution 2000/56 of 24 April 2000, the Commission on Human Rights welcomed the decision of the Working Group to highlight the theme of "indigenous children and youth".

2. In a letter of 5 May 2000, the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, wrote to the Director-General of the United Nations Children's Fund, informing her of the theme of the eighteenth session of the Working Group and inviting UNICEF to contribute to the discussions. The Office of the High Commissioner for Human Rights (OHCHR), transmitted a letter to Governments, intergovernmental organizations and organizations of indigenous peoples including the information that the topic "indigenous children

and youth" would be highlighted by the Working Group at its session in July 2000. OHCHR also informed the Committee on the Rights of the Child at its twenty-fourth session, held in May 2000, about the special theme of the Working Group and invited Committee members to contribute.

3. The purpose of the present note is to identify possible themes related to the topic under discussion and to encourage a technical and forward-looking exchange of views and information among indigenous peoples, States, United Nations bodies and non-governmental organizations. It is to be hoped that the discussions will help the international community understand better the situations of indigenous children and youth and consider effective ways of contributing to solutions. Consideration may also be given to how existing international human rights instruments, in particular the Convention on the Rights of the Child, can be used to promote the rights of indigenous children and youth. It would also be useful to build upon the increasing number of successful initiatives that are currently being undertaken by States and indigenous peoples in improving these situations.

4. OHCHR, in preparing for the eighteenth session of the Working Group, held a number of informal meetings with representatives of indigenous peoples and organizations. It was noted in these discussions that in general indigenous children constitute a disproportionate sector of children in difficult circumstances around the world and as such are facing some of the greatest threats to survival. This is due to the fact that indigenous children are generally disadvantaged by comparison to children in the national society, since, in situations where all children face human rights violations, indigenous children often face double discrimination on account of their "indigenousness". There is, however, a recognized lack of substantive global or national attention and research on the particular vulnerability of these children or the promotion of their civil, cultural, economic, political and social rights. For this reason, the indigenous representatives who were consulted welcomed the opportunity to exchange information about the issue. In the course of the consultations four main themes emerged in relation to indigenous children and youth. These themes were: (a) indigenous children in armed conflict; (b) discrimination: health, administration of justice and unemployment; (c) education, breakdown of intergenerational relationships and loss of indigenous languages and culture; (d) child labour and sexual exploitation of indigenous children and youth.

Indigenous children in armed conflict

5. The vulnerability of indigenous children is exacerbated in situations of armed conflict. For children from indigenous communities, war not only imperils their personal safety and development but also threatens the integrity of their community. Indigenous children in conflict are known to experience severe threats to their physical and mental integrity. The vulnerability of indigenous children and youth in this context is also accentuated by the impact of large numbers of indigenous people who may have fled from areas of armed conflict, and whose children are to be found among the thousands of abandoned, orphaned or homeless children living on the streets of the countries concerned. Indigenous peoples have also referred to the forcible recruitment of indigenous children into the armed forces or paramilitary groups.

6. Attention is drawn to article 11 of the draft United Nations declaration on the rights of indigenous peoples, where it is maintained that indigenous peoples have the right to special protection and security in periods of armed conflicts, in particular forced recruitment of indigenous children, forcible removal from their lands for the purpose of relocation in special centres for military purposes and forcible labour for military purposes. Specifically relevant in this context is article 39 of the Convention on the Rights of the Child which requires States parties to take all appropriate measures to promote the physical and psychological recovery and social integration of children who are the victims of armed conflict.

7. In this respect, it may be necessary to recognize the need for culturally appropriate rehabilitation programmes for the treatment of psycho-trauma inflicted upon the children who have been involved in situations of violence. Supporting rehabilitation is in this context doubly important as it is found that indigenous children who have endured situations of armed conflict may sometimes, as they grow older, inflict the trauma they have suffered on other children.

Discrimination

8. Indigenous people are particularly concerned with the alienation of indigenous children and young people from their own culture as well as their sense of rejection by the wider society. Problems faced by indigenous children in relation to health, the juvenile justice system, education and employment are directly related to those of discrimination.

9. Discrimination and health. The health of indigenous children is identified as an area of grave concern. Infant mortality and morbidity among indigenous people, even in rich countries, is often considerably higher than in the national societies. Indigenous children suffer disproportionately from malnourishment, in particular in communities where there has been a rapid change from a relatively independent lifestyle to a market economy. Exclusion and marginalization are furthermore considered responsible in part for problems related to alcohol, substance and drug abuse among children and youth.

10. Discrimination and the administration of justice. At sessions of the Working Group indigenous organizations have referred to police discrimination against, in particular, indigenous juveniles. They have also expressed concern about the rate of incarceration of young indigenous people and the deaths of indigenous young people in police custody or prison.

11. Discrimination and unemployment. There are indications of discrimination of indigenous youth with regard to employment opportunities, as the unemployment rates of indigenous youth are much higher than those of non-indigenous youth. Unemployment among indigenous youth is seen to be directly related to the widespread lack of vocational and appropriate higher education institutions, as well as the difficulties experienced by indigenous youth in accessing mainstream higher education.

12. Governments and indigenous organizations and institutions have a growing experience of national programmes aimed at addressing the disadvantages faced by indigenous children and youth. Specific activities are in place in several countries to improve vocational training and education in indigenous communities, establish focused employment programmes, sensitize the police and prison services to indigenous cultures, implement forms of indigenous justice for

young offenders, or deal in a culturally appropriate way with the health issues affecting indigenous youth and children. The Working Group may wish to consider examples of these positive programmes.

Education

13. Indigenous peoples have drawn attention to the limited access to schooling in their own language and to the imposition of educational methods and curricula that do not take account of indigenous history and culture. In this context, indigenous culture is sometimes rendered invisible or is distorted and the national language is favoured. These elements may influence the high drop-out rate of indigenous children.

14. This is a recurrent theme in relation to the major areas of concern for indigenous peoples and one that was highlighted at the sixteenth session of the Working Group which centred on the theme "indigenous peoples: education and language". At the sixteenth session the Working Group recognized these discriminatory practices as well as the need to encourage the bilingual instruction and culturally appropriate curricula for indigenous children.

15. The Working Group at its sixteenth session also identified positive steps being taken by indigenous communities and States alike in this context. In their efforts to protect their culture, reinvigorate their languages and ensure the transmission of values from the older generation to the younger, indigenous peoples have established their own schools, colleges and language-teaching courses. States have developed educational policies to encourage and provide support for indigenous-run schools. These developments have led to a rise in educational performance and a resurgence in the use of and interest in indigenous languages. Bilingual education appears to offer a solution to the problem of drop-outs and low educational attainment among indigenous children.

16. Indigenous organizations also referred to the breakdown of intergenerational relationships and the consequent loss of indigenous languages and culture. The combination of a lack of culturally appropriate bilingual curricula for indigenous children and the discrimination that they are subjected to from the national society has left many indigenous children and youth in a cultural and psychological "vacuum". This in turn has had the effect of alienating indigenous children from their own culture and often from their own families and communities. A serious problem for indigenous communities is how to preserve their cultural identity without placing indigenous children and youth in an increasingly vulnerable position vis-à-vis the national society.

17. As requested by the General Assembly in its resolution 52/108, the Office of the High Commissioner for Human Rights organized a workshop on "Higher Education and Indigenous Peoples" which took place from 28 June to 2 July 1999 in Costa Rica. The report on the workshop (E/CN.4/Sub.2/AC.4/1999/5), made available at the seventeenth session of the Working Group, highlighted initiatives with regard to higher education institutions for indigenous peoples, such as the Regional University of the Autonomous Regions of the Nicaraguan Caribbean Coast or the Saskatchewan Federated College in Canada. The importance of improving the educational situation of indigenous children and youth, and with regard to

higher education in particular, was by participants who recognized that the emergence and development of indigenous higher education was vital in establishing indigenous self-esteem and gaining control over development.

18. The Working Group may wish to consider some of the special measures being undertaken by States to improve the access of indigenous children to education, including programmes for bilingual education, indigenous-run schools and colleges, and other relevant initiatives.

Child labour and sexual exploitation of indigenous children and youth

19. In certain countries, indigenous children run a higher risk of being exploited for their labour than any other children. Indigenous organizations have strongly criticized the growth of sex tourism, trafficking and other forms of sexual exploitation of indigenous children, in particular in certain countries and regions. Indigenous girls are found to be particularly vulnerable. There is, however, little national or global attention and information on the particular vulnerability of indigenous children with regard to child labour and sexual exploitation.

20. The Working Group may wish to include these issues in its discussions so that it can make appropriate recommendations to its parent bodies and relevant United Nations organizations and specialized agencies.